

MINUTES

P & Z COMMISSION HEARING

July 16, 2009

ATTENDANCE P & Z Commissioners

ATTENDED

1. Wendell DeCross, Chairman
2. Joel Lawson
3. Robert K. Black, Sr.
4. Bob Hall
5. Rick Slone
6. Chuck Teetsel

ABSENT

Evelyn Meadows
Jason Hatch
Carol Davis
Ruth Ann Smith
Bill Rawlings

Staff Attendance

Homero Vela
Linda Elliott
Greg Loper
David Swietanski

Lance Payette
Trent Larson
Alberto L. Peshlakai

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona - Time: 6:00 p.m.

Chairman Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and conducted roll call. Mr. DeCross led the Pledge of Allegiance and explained the meeting procedures to the public, as well as some of the housekeeping rules. He asked those who want to address the Planning and Zoning Commission to come to the podium, and state their name prior to speaking.

Item # 1 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Copperwood Investments, LLC, for a Special Use Permit to allow the placement of nine (9) RV spaces with hookups and an office on the subject 2.29 acre property known as APN: 403-05-074, located in Township 13 North, Range 23 East, Section 12, of the Gila and Salt River Meridian, in the Snowflake area.

Joel Lawson excused himself because his daughter lives within the 300 feet perimeter. **Greg Loper** said that staff would like to request a continuance to the August hearing. There is a procedural item that needs to be included and a companion application that will be brought forward during the August hearing. **Jerry Summers**, 4932 Concho Ocho Rd. wanted to know the exact location of the proposed RV development. **Linda Elliott** responded that it's on the southeast corner of Appaloosa and Concho Highway. **Jerry Summer** stated that it's east of his property. **Linda Elliott** agreed.

Owner/Applicant Comments: No applicant came forward to comment on this Special Use Permit.

In Favor: No one from the public came forward in favor of this special use permit.

Opposed: No one from the public came forward in opposition of this special use permit.

A motion was made by Bob Hall to continue this Special Use Permit as recommended by staff at the next P&Z Commission meeting.

The motion to continue was seconded by Chuck Teetsel, and passed unanimously. **In Favor: 6, Opposed: 0.**

Item # 2 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Langley NZ Ranches, LLC, for a Special Use Permit to allow NZ Legacy to erect wind turbines and solar generating modules and met towers to measure wind and solar elements for the potential of alternate power on the subject 9 sections of the Bar J Bar Ranch property known as APN: 110-08-003A, 110-08-002A, 110-03-001E & 110-03-001D Township 15 & 16 North, Range 21 East, Section 29, 27, 26, 25, 31, 35, 5, 3 & 1 of the Gila and Salt River Meridian in the Snowflake area.

The Staff Report was presented by **Greg Loper** who stated that he will not only be speaking about this item but Agenda Items 3-6 which pertain to the same general subject matter. They are all special use permits that would allow, if approved, for meteorological towers that would measure wind and solar activities on the subject parcels, and as a result would ultimately allow for wind and solar electrical power generation. **Mr. Loper** displayed a map of the subject parcels and indicated the exact locations of all five special use permit applications for Agenda Items 2-6 (Bar J Bar Ranch, F Bar Ranch, Silver Creek Ranch, Mexican Hollow Ranch, and Hay Hollow Ranch). These projects are located between Snowflake, and Holbrook, mostly east of State Route 77, with a few parcels to the west. The total of these five applications equals 56 sections of land and if approved would allow for 50 meteorological towers, 475 wind generating turbines, along with 1430 solar modules. The applicant will be asked to provide any other information. **Mr. Loper**

gave a break down of each ranches sections with the approximate number of wind turbines and solar modules on each property: B J Bar Ranch encompasses nine sections, along with 80 wind turbines, 225 solar modules; F Bar Ranch: with 6 section, 61 wind turbines, 150 solar modules; Silver Creek Ranch: with 8 sections, 75 wind turbines, 200 solar modules; Mexican Hollow Ranch 80 turbines, 180 solar modules; Hay Hollow: 25 sections, 180 wind turbines and 675 solar modules. **Mr. Loper** said that staff has received numerous letters, that were provided to the commission, which encompasses letters of concern, opposition, and letters of support. Issues of esthetics, noise, shadows (flicker), and water sources, which are all valid comments/concerns that pertain to energy production appear to have generated a considerable amount of public comments and concerns that have been raised that there is a possibility these should be continued to the next meeting. **Wendell DeCross** asked Greg Loper if there were additional letters that they have not seen. **Greg Loper** responded that these letters were not included in the packet because staff just received them this week.

Owner/Applicant Comments:

Rulon E. Anderson, a representative of NZ Legacy Energy, provided an overview of the proposed wind turbines and solar generating modules that are placed between the wind turbines to utilize the space and provide economical scale for production and export of green electricity. Each wind turbine and solar module will be surrounded by an eight foot tall fence for security. Mr. Anderson said the sounds will be in-between 40-50 decibel for both day and night, and the sound can be heard 30 meters away from the tower. He also addressed the issue of birds flying into the blades. Other areas have been selected but this area is just a proposal which will not be constructed until testing/data is collected to determine if the location is feasible. 2,100 people will be hired as fulltime employees as operation and maintenance personnel and they plan to employ people who live near by. Mr. Anderson stated that he has documentation from the American Wind and Solar Association that can be provided to the commission. **Lance Payette** read Article 20-Special Uses and Planned Unit Developments Section 2002-General Conditions Applicable To All Special Use Permits 1, 2, & 3. Mr. Payette concluded that a Special Use Permit must have plans available not conceptual plans, according to the ordinance it must be tied to specific plans which need to be provided before a decision is made. The commission needs to act upon Special Use Permits that have plans supported by documentations, facts, and evidence to address what is written in the ordinance.

In Favor: Eli Blake, Mr. Downs, Steve Winters, Rick Roy, Earl Snider, Joe Costen spoke in favor of this project.

- The unemployment rate is at 12.5% and the proposed wind farm would decrease that percentage and create jobs in Navajo County.
- Communities can benefit in the way of education.
- As long as there is a minimal impact to surrounding homeowners, they support this effort
- Recommended that the use of waste for food production for local food, jobs that includes training with community colleges to train the electrical field, wind turbines, use a different financial strategy.

Opposed: Kelly Marrecum, Mary Olson, Errol Bowman, Karen Ingersoll, Don Hatch, Lynn Smith, Michael Cohay, Cindy Foster, Steen Hviid, Skip Lightheart, Walter Wilson, Paul Hafner, Dale Seigfreed, Terry McConville, Don Mareno, Karen Turner, Amanda Hafner, Albert Berra, and William Vandellie spoke in opposition on this project.

- Land owners weren't notified properly
- Solar Panels are an eye sore
- Information should be provided to Apache County supervisors, and its Planning and Zoning Commission.
- The projects that are being proposed are by the same developer that created Apache County Comprehensive Plan
- They are very concerned with both developments that operation and maintenance personnel will not be local people but their own people.
- This project will affect the health and well-being of surrounding homeowners, causes sleep degradation, headaches, depression, and stress problems, from the vibrations caused by this development.
- How much water will be utilized, could this cause in the water aquifer to drain?
- More research relating to health issues needs to be done.
- What kind of effect would their be on Woodruffs water supply?
- The applicant needs to correct the errors in the permit and text and with the proper sections and township.
- Against the site selection for this development to be placed.
- Development caused families living near the site to move away, and homeowners in that area couldn't sell their property; it was later abandoned.
- More information needs to be provided by the developer.
- Are there setback requirements for this type of development? If so, provide that information to the surrounding homeowners.
- The proposed site is not a good wind area, but is good for solar.
- One characteristic tends to be favorable to investors to get high levels of depreciations which can be written off in six years.
- Generally this type of project is used by large corporations to shelter profits to reduce tax liability in the long run, which in turn will go back to the state.
- The local tax base will be generating, but will see a budget shortfall, many of the revenue will go directly to investors and not to local communities
- Will the local communities benefit from this project?
- Who will hold the financial burden if the project shuts down?

- What's the speed of wind turbines?
- Partners developing this project need to be disclosed, what type of experience do they have, and what is the future of NZ?
- Proper notices should be posted that are visible.
- Meetings with homeowners need to have attendance and recording done as well.
- We are overlooking the human factor.
- Who will get the bill for emergency services, such as fire departments?
- Can lightening voltage damage solar panels? How will those be addressed?
- Constitutes an exposure of drying up, and water table to be venerable. An intensive study needs to be conducted to determine how much water will be used.
- Noise pollution, the number of turbines will create a louder noise, property value to decrease, dust from construction.

Commissioner's Questions/Comments:

Chuck Teetsel asked who owns the property on which the proposed project will erect the turbines and solar, what will be the water consumption, how are they different from that has been developed? **Mr. Anderson** responded that they are owned in fee, others are owned by partnership, cooling ponds will recirculate to be used again and again, and they are similar as to what was built in the Drylake area. **Joel Lawson** asked the statistics of jobs from the current wind farm, it does not mesh with your proposed wind farm. **Mr. Anderson** replied that for every 16 modules would be 22 people for every unit with a total unit of 22. **Bob Hall** asked if other sites were researched before these parcels were considered for this project. **Mr. Anderson** responded that data was collected by a study that was done by NAU that erected several met towers and both data were compared and that determined that these areas are feasible. **Rick Slone** said that certain criteria that commissions go by weren't available and not enough facts. **Joel Lawson** recommended a map be produced that displays the homeowners that are present, roads, etc, to the commission.

A motion was made by **Joel Lawson** to continue this Special Use Permit with the recommendations and conditions stated by staff at the next P&Z Commission meeting. The motion to table was seconded by **Rick Slone**, and passed unanimously. **In Favor: 6, Opposed: 0.** **Homero Vela** said that we'll be requiring public meetings, and will do our best to notify all residents surrounding the proposed project, and it will be done manually which wasn't done due to relying on the our GIS software, and recommended that people present provide staff your mailing address, email to help notify everyone who they feel need to know.

Item # 3 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Langley NZ Ranches, LLC, for a Special Use Permit to allow NZ Legacy to erect wind turbines and solar generating modules and met towers to measure wind and solar elements for the potential of alternate power on the subject 6 sections of the F Bar Ranch property known as APN: 202-27-003L, 202-27-003J, 202-50-001 thru 016, 202-27-017 thru 032, Township 14 North, Range 21 East, Section 3, 5, 9, 17, 15 & 21 of the Gila and Salt River Meridian in the Snowflake area.

The Staff Report was presented by Greg Loper which was included in agenda item number two.

Owner/Applicant Comments: The applicant had no further comments of this Special Use Permit

In Favor: No one from the public came forward in favor on this special use permit.

Opposed: **Deborah Hosel** a homeowner had concerns about the land surrounding theirs being rezoned-commercial. She objects to the noise that the project will produce. **Randy Hosel** wanted everyone to automatically reject this project and get rid of it. He stated the expert can't give straight answers, on the decibels or anything else and the homeowners will not profit from this project. **Mary Laws** said they have not seen any results of phase one but she has concerns about the roads the workers would destroy, private roads as well as public ones. The noise affecting people, animals, and the environment, etc. She feels that none of the applicants/developers of this project are communicating with the homeowners. **Steve Winter** recommended they meet with Mr. Anderson to get a better understanding of the project.

Staff Question/Comments: There were no further comments from staff.

Commissioner's Questions/Comments: **Rick Slone** stated that there was not enough information presented to make a decision. This meeting doesn't meet the criteria to make a decision tonight, but he doesn't want the project to go away, the project has potential. A motion was made by **Chuck Teetsel** to table this Special Use Permit until the applicant/developer submits to staff a more detailed plan than the conceptual plan that has been reviewed and determined by staff to bring before the commission. The motion was seconded by **Bob Hall**, and passed unanimously. **In Favor: 6, Opposed: 0.**

Item # 4 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by NZ Silver Creek, LLC, for a Special Use Permit to allow NZ Legacy to erect wind turbines and solar generating modules and met towers to measure wind and solar elements for the potential of alternate power on the subject 6 sections of the Silver Creek Ranch property known as APN: 110-09-001C, 110-09-001B, 110-04-002E, 110-03-001B, 110-03-004A, Township 15 & 16 North, Range 22 East, Section 19, 31, 6, 5, 11, 12, 7 & 17 of the Gila and Salt River Meridian in the Snowflake area.

The Staff Report was presented by Greg Loper which was included in agenda item number two.

Owner/Applicant Comments: The applicant had no further comments of this Special Use Permit

In Favor: No one from the public came forward in favor on this special use permit.

Opposed: **Kelly Marcum** does not think there is enough information and recommended that this be tabled.

Mary Olson questioned where the funds were coming from, are federal funds being used, and what are the plans if the funds are no longer available. Mrs. Olson said that the shut-off valve (brake) is louder than when the wind turbines are actually running. **Kathy Sullivan**, who lives near the substation, isn't happy, she moved to get away from city noise to a peaceful and quiet residence.

Staff Questions/Comments There were no further comments from staff.

Commissioner's Questions/Comments: There were no further questions or comments.

A motion was made by **Joel Lawson** to table this Special Use Permit until the applicant/developer submits a more detailed plan to staff than a conceptual plan that has been reviewed and determined by staff that is ready to bring before the commission. The motion was seconded by **Bob Hall**, and passed unanimously. **In Favor: 6, Opposed: 0.**

Item # 5 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by NZ Silver Creek, LLC, for a Special Use Permit to allow NZ Legacy to erect wind turbines and solar generating modules and met towers to measure wind and solar elements for the potential of alternate power on the subject 8 sections of the Mexican Hollow Ranch property known as APN: 110-04-004C, 110-09-001B & 110-09-001C, Township 15 & 16 North, Range 22 East, Section 1, 13, 23, 24, 25, 27, 33 & 35 of the Gila and Salt River Meridian in the Snowflake area.

The Staff Report was presented by Greg Loper which was included in agenda item number two.

Owner/Applicant Comments: The applicant had no further comments on this Special Use Permit

In Favor: **Eli Blake** from Joseph City stated that community's local tax base would improve to where revenue would be generated to assist local school districts, fire districts, community colleges and county. **Steve Winter** asked if the developer is trying to meet the deadline date of December 10, 2009 to apply for funding that is presently going around the country. **Mr. Anderson** responded no.

Opposed: No one from the public came forward in opposition of this special use permit.

Commissioner's Questions/Comments: No one from the commission commented on this special use permit.

A motion was made by **Joel Lawson** to table this Special Use Permit until the applicant/developer submits a more detailed plan to staff than a conceptual plan and that has been reviewed and determined by staff to bring before the commission. The motion was seconded by **Robert K. Black, Jr.**, and passed unanimously. **In Favor: 6, Opposed: 0.**

Item # 6 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by NZ Silver Creek, LLC, for a Special Use Permit to allow NZ Legacy to erect wind turbines and solar generating modules and met towers to measure wind and solar elements for the potential of alternate power on the subject 8 sections of the Hay Hollow Ranch property known as APN: 110-05-001E, 110-05-001C, 110-05-016A, 110-05-016B, 110-05-016C, 110-05-001D, 202-27-001A, 202-27-001B, 303-10-011A, 303-10-011B, 110-04-009, 110-04-008, 110-04-002E, 110-04-002H, 110-04-002J. Township 14 & 15 North, Range 21, 22 & 23 East, Section 1, 6, 3, 10, 11, 13, 14, 15, 22, 26, 29, 5, 7, 9, 11, 13, 15, 17, 18, 19, 20, 21, 22, 23, 25 & 29 of the Gila and Salt River Meridian in the Snowflake area.

The Staff Report was presented by Greg Loper which was included in agenda item number two.

Owner/Applicant Comments: The applicant had no further comments on this Special Use Permit

In Favor: No one from the public came forward in favor of this special use permit.

Opposed: **Errol Bowman** stated that this project affects more homeowners and recommends that the Hay Hollow project be denied due to that fact that there are too many homeowners in that area. **Lisa Pettijohn** asked several questions such as, at high elevations is there a blinding effect from the solar mirrors? Does the sound vibration affect pets or wildlife in any way? **Paul Hafner** asked who set a minimum of 30 decibels at night, there is a line source affects, which drops the level by distance as sound travels. **Mike Roberson** said the 300 feet mail out was not adequate and recommended that mail-outs be of a radius of one mile. He also recommended the applicant/developer have public meetings regarding this project with homeowners. **Greg Loper** responded that 300 feet is a statutory requirement. **Carol Siegfried** of 5483 Hay Hollow Road stated that she is curious because there is no business plan available or listing of proposed investors, nor does she find any proposed buyers. Where will the power be going? She is not opposed to alternative energy but want to make sure it is done responsibly. Mrs. Siegfried asked questions related to infrastructure and development. Will private roads be affected and cause road travel to increase? There is no disclosure of who will pay for the road development and if any of the impact will fall on the residents. **Cindy Foster** 5477 Hay Hollow Rd. asked if there are going to have buffers. Hay Hollow is highly populated and is not a windy area, why was Hay Hollow selected? Is the owner of the land also the owner of the water rights and mineral rights? **Amanda Hafner**, said that the continuation must include a public meeting, asked if there will be indemnification against loses. **Steen Hviid** stated he received his notice five days ago, and other neighbors did not receive a notice. **Wendell DeCross** asked if everyone was properly notified. **Greg Loper** responded to the best of his knowledge the GIS system was used to obtain the addresses and notices were sent out with information they have the best. Sometimes there may be errors, but mostly they are sent out correctly. **Carol Siegfried** recommended that a bigger meeting place be provided and to plan for a larger venue. **Wendell DeCross** said there seems to be a lack of communication between the developers to the land owners and suggested they communicate. **Lance Payette** responded that twice before there have been many people standing in the halls, and that they didn't anticipate that many people being present. **Joel Lawson** stated that he didn't have enough time to look over the project. **Amanda Hafner** made a comment that the blade turning can collect bugs, bats and birds that are killed, which can affect the turbines. Clay mixed with dead flying creatures can cause damage and create an odor.

Commissioner's Questions/Comments: **Rick Slone** encouraged the applicant to have public meeting. We must stick the facts, do not get caught up on controversy, we need actual facts/evidence. The commission does not base its decision on emotions. **Chuck Teetsel**

requested to see the address list that disclosed the buffer of the drylake wind farm, to determine the distance. **Greg Loper** responded that it will be done. The developer must provide assurance of taking them down if they aren't going to be viable and that a contingency plan does it exist and needs to be established. **Steen Hviid** stated that he contacted P&Z Staff, twice but wasn't successful. **Cindy Foster** asked how they plan to do a comparison study when they plan on 150-180 turbines. **Dawn Marino** asked if the archeological area be considered.

A motion was made by **Chuck Teetsel** to table this Special Use Permit until the applicant/developer submits a more detailed plan to staff than a conceptual plan and that has been reviewed and determined by staff to bring before the commission. The motion was seconded by **Rick Slone**, and passed unanimously. **In Favor: 6, Opposed: 0.**

Item # 7- Possible approval of the June 18, 2009 Minutes.

A motion was made by **Bob Hall** to approve the minutes as printed. **Chuck Teetsel** seconded the motion. The motion carried unanimously.

Item # 8 - Department report to Commission. There was no report from Department.

Item #9- Commissioners' comments and/or directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Planning & Zoning staff to study or provide additional information on topics of the Commissions' choosing. Bob Hall requested that a map be created that is more detailed for the commission. Robert K. Black, Jr. recommended that map disclose demographics, census counts as well to be inserted on the map.

With there being no further business to come before the Planning and Zoning Commission, the meeting wa adjourned at 9:09 p.m. A motion to adjourn the meeting by **Robert K. Black, Jr.** **Chuck Teetsel** seconded the motion. Motion unanimously passed.

Approved this 15th day of October, 2009

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Secretary, Navajo County
Planning & Zoning Department

